

# Safe spaces: Need and concern of “Trans” Community

Viney Dhiman<sup>1</sup>, Anupama Bharti<sup>2</sup>

## ABSTRACT

Gender is a human social system with different sex, roles, characteristics appearances, identify among male and female. This system transit their norms and culture to both sex and gender into human body. According to stone, (2004) “Everyone has an internal sense of their gender and this sense is called gender identity”. Transgender people are person with different age, sex, appearance, as compare with men or women. These people have existed in every culture, race and class since the story of human life has been recorded. The term “transsexual” is a new concept as different with the concept of transgender. In its broadest sense, transgender encompasses anyone whose identity or behavior falls outside of stereotypical gender norms. Transgender is a broad term used to describe those whose gender, gender identity, or gender expression is in some sense different from, or transgresses social norms for, their assigned birth sex. Transgender may include those who identify as being transsexual, cross dressers, androgynous, bi-gender, no-gender or multi-gender, gender queer and a growing number of people who do not identify as belonging to any gender category at all. Transgender term is always creating controversies because society just except only two genders i.e. male or female. This is the reason that “trans” community is facing struggle to gain their human rights or face difficult to accept them socially. Every person classified as by one gender only. India, there are a host of socio-cultural groups of transgender people like Hijras/ Kinnars and other transgender identities like–Shiv-Shaktis, Jogtas, Jogappas, Aradhis, Sakhi, etc. Hijras earn a livelihood through prostitution or performing traditional ceremony which occurs whenever a new baby is born and during marriages in the General community. The traditional ceremony composed of music, singing and dancing performed at the home of the new infant. The parents negotiate a payment before or after ceremony for Hijras.

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## 1. INTRODUCTION

As we talk about the rights of Trans Community “The Preamble of the Indian Constitution” mandates Justice social, economic and political equality to all the citizens of India. The article 14 insured that all are equal before the law. The Article 15 prohibition of discrimination on the ground of religion, race, caste, sex or place of birth. Article 21 ensures right to privacy and personal dignity to all the citizens. The article provides equality and no discrimination on the grounds of sex, caste, creed or religion. But still the third community (transgender) continues to be ostracized. This is the reason that transgender were not achieved the justice. The problems, faced by transgender are discrimination, lack of educational facilities, unemployment, lack of shelter, lack of medical facilities like HIV care

and hygiene, depression, hormone pill abuse, tobacco and alcohol abuse and problems relating to marriage, property, electoral rights, adoption. In 2003, the Hon'ble High Court of Madhya Pradesh upheld the order of an Election Tribunal which nullified the election of a Hijra, Kamala Jaan, to the post of Mayor of Katni, on the ground that it was a seat reserved for women and that Kamla Jaan, being a 'male' was not entitled to contest the seat.

It is submitted that all the citizens of India have a right to vote and to contest elections. But in the electoral rolls only two categories of the sex are mentioned—male and female. This is unfair to the third sex of India as they are deprived of their statutory right to vote and contest elections. Transgender have very limited employment opportunities. Transgender have no access to bathrooms/toilets and public spaces. Transgenders have very limited employment opportunities as most jobs are confined to male and female sexes. In a lecture delivered on Refresher Course for Civil Judges (Junior Division)-I Batch at Tamil Nadu State Judicial Academy on 12.02.2011 "Rights of Transgender People – Sensitizing Officers to Provide Access to Justice"<sup>1</sup> by Hon'ble Mr. Justice P. Sathasivam, then Judge, Supreme Court of India (presently Chief Justice) had stated thus: "The main problems that are being faced by the transgender community are of discrimination, unemployment, lack of educational facilities, homelessness, lack of medical facilities like HIV care and hygiene, depression, hormone pill abuse, tobacco and alcohol abuse, penectomy and problems related to marriage and adoption."

As a Social Worker I have the responsibility to understand and appreciate the full range of differences that exist among human beings and to explore any and all prejudices that result in oppressive and unjust treatment. It is incumbent upon the social work profession to embrace and explore this domain of human variation a help educate the public in a manner that mitigates stigma and supports the rights of transgender, transsexual. Here in this article I am trying to explore the discrimination & problem as faced by this community at micro, macro & meso level.

### Concerning Study area

Chandigarh (India), the dream city of India's first Prime Minister, Sh Pandit. Jawahar Lal Nehru, was planned by the famous French architect Le Corbusier. Picturesquely located at the foothills of Shivaliks, it is known as one of the best experiments in urban planning and modern architecture in the twentieth century in India. Census 2011, Chandigarh has population of 10.55 Lakh. There are approximately 1571 Transgender registered in Aadhar Card in the city. Chandigarh AIDS control society running only one TI projects in Chandigarh. These are 5 main Deras in Chandigarh and they are divided in two Gharana, one is Raike Gharana and second is Sarhandi Gharana. Raike Gharan is located in Manimajra, Dadumajra, Dhanas, Maloya and Sarhandi Gharana is located in Bapu Dham Colony only. Around 150 Transgender are living in these Deras and rest of Gypsy Transgender. They do not have particular dera. They begging in bus, train or public places and they live in slum area in isolated places. TI project is not covers all Transgender. They only work with Dera people. It shows that SACS Chandigarh not too much focus on the Transgender.

### Objectives of the study are

- To make a socio demographic profile of Transgender
- To know the problems which are facing by transgender community?
- To find the places of discrimination.
- To get the information about the types of discrimination.

### Research questions

- What type of discrimination and stigma TGs face in their life?
- What type of hesitation to accept the TGs in public?
- At how many places transgender faced discrimination?
- Which source of media played effective role among public regarding TGs acceptability?

### Significance of the Research

TGs are the oppressed class of the society. It is less educated having little knowledge regarding their rights and highly discriminated faced community. In the field of transgender very less number of studies are conducted. Those are conducts that are negligible studies. No study discusses the problems of transgender community. But this research is focused on the problems of transgender community. This research would examine the level of discrimination faced by transgender community. This research will be helpful implementing the Supreme Court Judgment by Government and semi government bodies.

## 2. RESEARCH METHODOLOGY

The study is based on exploratory research design and based on 10 samples. These are randomly selected from different Dera (Transgender Home) of the Chandigarh city (capital of two states Punjab and Haryana). A study included semi-structured questionnaire based on interview and observation method. The random sampling method is used. During the research 5 different locations of Chandigarh city were covered. The locations are Bapu Dham Colony, Manimajra, Dadu Majra, Dhanas and Maloya Village. In these rehabilitation locations Transgender Dera are available. Focus group discussion technique was also used for qualitative findings of the study.

## 3. RESULT AND DATA INTERPRETATION

The research based on 20 TGs in city beautiful Chandigarh and their age group are given below:

The total 20 transgender were interviewed. These are comprising three age group 18 to 30 years, 30 to 40 years and above 40. All transgender were faced discrimination from their family member. This is the result that transgender was not reside with their family. The 41.7 % transgender with the age group of 18-30 years faced the injustice as compare 100% with the age group of above 40 at retail shops. Every transgender less than 40 years were faced the discrimination at police station. This discrimination bearing by the transgender at the FIR reporting time.

**Table 1** Age wise distribution of Transgender group of people.

Locations	18-30 years (N=12)	30-40 years (N=5)	Above 40 years (N=3)	Total (N=20)
Family	12(100)	5(100)	3(100)	20(100)
Retail store	5(41.7)	3(60)	3(100)	11(55)
Police station	12(100)	5(100)	0(0.0)	17(85)
Hospitals	7(58.3)	2(40)	3(100)	12(60)
Educational Institute	12(100)	3(60)	0(0.0)	15(75)
Job apply	12(100)	5(100)	3(100)	20(100)
Workplace	12(100)	3(60)	0(0.0)	15(75)
Bus /Train/other mode	11(91.7)	0(0.0)	0(0.0)	11(55)
Public toilets	12(100)	5(100)	2(66.7)	19(95)
Hotels/Bars	12(100)	5(100)	3(100)	20(100)
Rented house/Buying houses	12(100)	2(40)	1(33.3)	15(75)
Opening Bank account	12(100)	5(100)	3(100)	20(100)
Counseling Centers	12(100)	3(60)	0(0.0)	15(75)
Parks	11(91.7)	0(0.0)	0(0.0)	11(55)
Restaurant	12(100)	0(0.0)	0(0.0)	12(60)

The total 75% transgender come into contact with the inequity at school, college and university level. Every transgender were abused when he/ she had applied for any job in private or government sector. If they get the job then they also faced discrimination or harassment at the workplace. These harassments were sexual, verbally and mentally. 91.7% transgender (18-30) were had an experience of unequally behavior. Discrimination at public toilet was very higher with maximum percentage. Around 95% transgender were harassed in public conveniences varies from location to location.

When the transgender was buying or rented the house. They were not similarly treated as like general public. In Banks, the transgender was encountering the discrimination with all these three age groups. In Counseling centers, parks, restaurants the experience of discrimination against the Transgender community was about 75%, 55 %, 60% respectively.

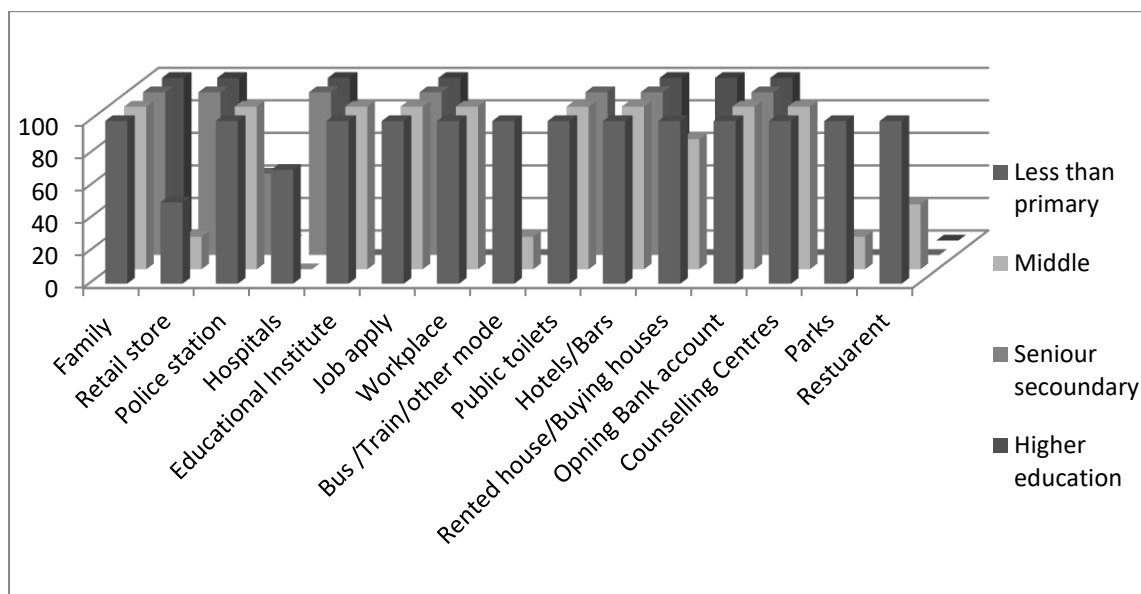
**Table 2** Educational background wise discrimination among transgender community

Locations	Less than primary (N=10)	Middle (N=5)	Senior secondary (N=4)	Higher (N=1)	Total (N=20)
Family	10(100)	5(100)	4(100)	1(100)	20(100)

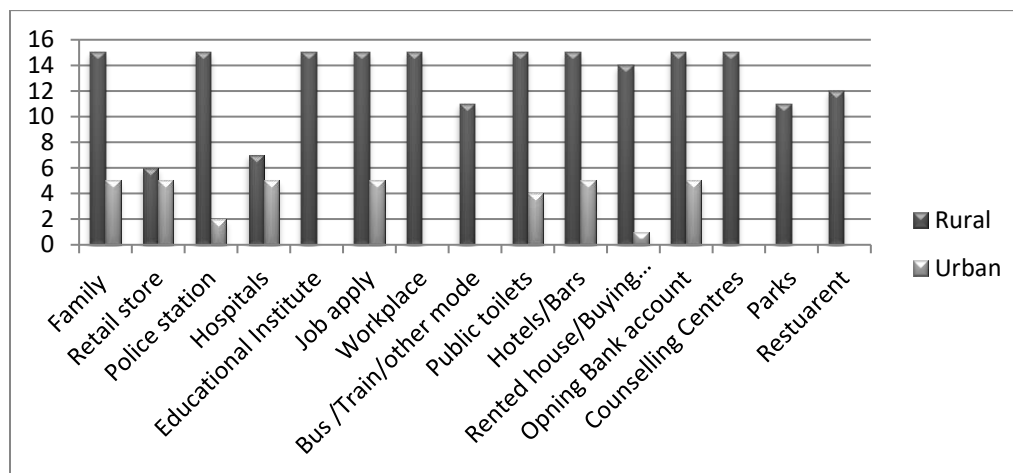
Retail store	5(50)	1(20)	4(100)	1(100)	11(55)
Police station	10(100)	5(100)	2(50)	0(0.0)	17(85)
Hospitals	7(70)	0(0.0)	4(100)	1(100)	12(60)
Educational Institute	10(100)	5(100)	0(0.0)	0(0.0)	15(75)
Job apply	10(100)	5(100)	4(100)	1(100)	20(100)
Workplace	10(100)	5(100)	0(0.0)	0(0.0)	15(75)
Bus /Train/other mode	10(100)	1(20)	0(0.0)	0(0.0)	11(55)
Public toilets	10(100)	5(100)	4(100)	0(0.0)	19(95)
Hotels/Bars	10(100)	5(100)	4(100)	1(100)	20(100)
Rented house/Buying houses	10(100)	4(80)	0(0.0)	1(100)	15(75)
Opening Bank account	10(100)	5(100)	4(100)	1(100)	20(100)
Counseling Centers	10(100)	5(100)	0(0.0)	0(0.0)	15(75)
Parks	10(100)	1(20)	0(0.0)	0(0.0)	11(55)
Restaurant	10(100)	2(40)	0(0.0)	0(0.0)	12(60)

The educational background of the transgender was alienated into four categories i.e. less than primary, middle, senior secondary and higher. The maximum transgender having the education with less than primary. Transgender with less than primary education faced the maximum 100% level of discrimination in all public locations except 50% at retail stores or 70% at hospitals. 100% account of discrimination or harassment had found at Family, job apply, hotels/bars and opening bank account among all the four categories. Total 95% of disproportionate activities among transgender community had an experience at public toilets. Transgender with middle class education had faced zero level of discrimination in hospitals as compare with less discrimination ratio of 20% at retail stores, bus/train and in parks as well.

Zero level of discrimination had found at maximum location among transgender with senior secondary education as measure up to 100% at family, police station, job apply, public toilets, hotel/bars and banks. Transgender with higher education were encountering 100 percentages of biased action at 7 locations and put side by side zero proportion at other 7 places. Total ratio of inequity among all the transgender with all four educational groups with ranges from 55 percentages to 100 percentages. Transgender with higher education had better status with less unfairness as compared to other group with a range of educational background.



**Graph 1** Educational background wise discrimination among transgender community



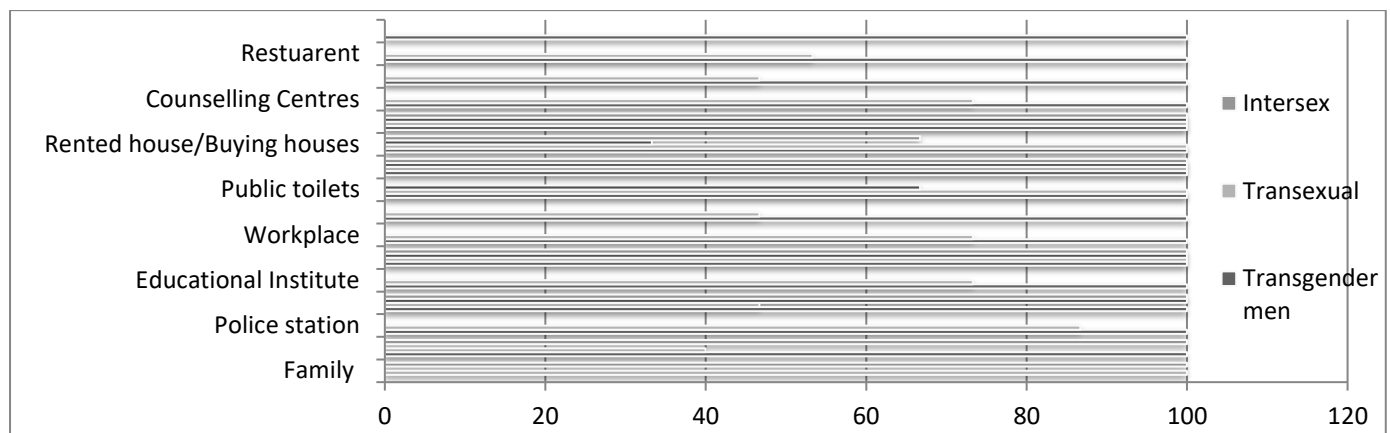
**Graph 2** Rural-Urban differentiation of Transgender population

This graph shows that 15 transgenders were belongs to rural area and rest 5 transgender were from urbanized cities or towns. This graph also examines the variation between rural – urban areas and discrimination faced at various locations of the city varies from 15 to 1(transgender) in numbers. Six transgenders from rural areas had faced minimum unfairness behavior at retail stores. Only one transgender from urban area faced unequal behavior while buying a house/rented house as varies from 15 transgender faced this discrimination. Merely two transgenders from urban area were experienced the harassment or discrimination at police station as compared with 15 transgenders from rural community faced the same discrimination.

Six transgenders belong to rural area faces the problem of discrimination as measure up to five transgenders from urban community at retail stores and at the same level seven transgender from rural society faces the inequality at hospitals or five from urban sector. Zero discrimination was faced by the transgender from urban community, while all 15 transgenders from rural community faces the biased behavior at educational institute, workplace and counseling centers. Eleven transgenders from rural area faces the problem of harassment or discrimination at the same time zero discrimination was found among the same community from urban at two locations i.e., parks or bus/train/other transport mode. Variations were there in same community in six locations a community from urban class didn't face any discrimination on other side a community from rural area faces the discrimination at nine public places.

**Table 3** Gender Identity in relation with transgender group

Locations	Transgender men (N=4)	Transsexual (N=15)	Intersex (N=1)	Total (N=20)
Family	4(100)	15(100)	1(100)	20(100)
Retail store	4(100)	6(40)	1(100)	11(55)
Police station	4(100)	13(86.7)	0(0.0)	17(85)
Hospitals	4(100)	7(46.7)	1(100)	12(60)
Educational Institute	4(100)	11(73.3)	0(0.0)	15(75)
Job apply	4(100)	15(100)	1(100)	20(100)
Workplace	4(100)	11(73.3)	0(0.0)	15(75)
Bus /Train/other mode	4(100)	7(46.7)	0(0.0)	11(55)
Public toilets	4(100)	15(100)	0(0.0)	19(95)
Hotels/Bars	4(100)	15(100)	1(100)	20(100)
Rented house/Buying houses	4(100)	10(66.7)	1(100)	15(75)
Opening Bank account	4(100)	15(100)	1(100)	20(100)
Counseling Centers	4(100)	11(73.3)	0(0.0)	15(75)
Parks	4(100)	7(46.7)	0(0.0)	11(55)
Restaurant	4(100)	8(53.3)	0(0.0)	12(60)



**Graph 3** Graph representation of Gender Identity among transgender populace

This table explained the gender identity in relation with the transgender community it showed that all the transgender covers various categories under one umbrella like transgender men, transsexual, and intersex these were the three main identity sign of gender. 100% discrimination was observed by four transgender men at all 15 public places. Maximum- minimum variation was found from range 40 to 100 percent in transsexual category at the other side it differs from zero to 100 percent. All 15 transsexual people countenance 100% unequal behavior at family, public toilet, hotels/bars and job apply while minimum 40% level of unfairness was observed at retail stores. At six locations the intersex people faced zero discrimination as compared with the other at seven places they were faced 100% discrimination. After 100% maximum discrimination other maximum rate were examined at police station, educational institute, rented house/buying houses and counseling centers ranges 86.7 %, 73.3 %, 66.7 and 73.3 respectively. At last, this table concludes that the maximum variations were among transsexual peoples with high-lower ranges of discrimination.

**Table 4** Income wise distribution of transgender people

Locations	Less than Rs 5000 (N=3)	Rs 5000-1000 (N=6)	More than Rs 10000 (N=11)	Total (N=20)
Family	3(100)	6(100)	11(100)	20(100)
Retail store	3(100)	2(33.3)	6(54.5)	11(55)
Police station	3(100)	6(100)	8(72.7)	17(85)
Hospitals	3(100)	4(66.7)	5(45.5)	12(60)
Educational Institute	3(100)	6(100)	6(54.5)	15(75)
Job apply	3(100)	6(100)	11(100)	20(100)
Workplace	3(100)	6(100)	6(54.5)	15(75)
Bus /Train/other mode	3(100)	6(100)	2(18.2)	11(75)
Public toilets	3(100)	6(100)	10(90.9)	19(95)
Hotels/Bars	3(100)	6(100)	11(100)	20(100)
Rented house/Buying houses	3(100)	6(100)	6(54.5)	15(75)
Opening Bank account	3(100)	6(100)	11(100)	20(100)
Counseling Centers	3(100)	6(100)	6(54.5)	15(75)
Parks	3(100)	6(100)	2(18.2)	11(55)
Restaurant	3(100)	6(100)	3(27.3)	12(60)

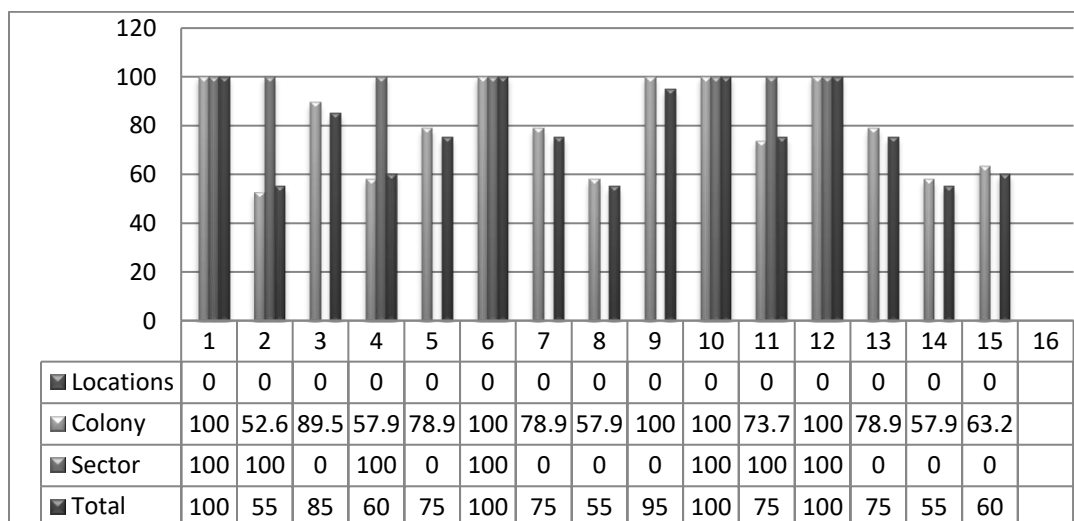
Only 3 transgenders are interviewed those have income less than 5000. These transgenders discriminated every corner of the society. The around 55% transgender faced bad behavior of shopkeepers. 85 % (N=17) transgender faced bad actions at police stations. The around 60% transgender unequally treated at hospitals. So, getting the treatment is very difficult those have higher earnings. 54.5% higher income group transgender was faced immoral behavior at schools. Low level of education is one of the reasons it. 75% transgender shared discriminated experiences at workplace. 75% transgender expressed the discrimination at public transport like buses, railway trains. 100% transgender unequally treated at banks and hotels/bars. 95% transgender faced unequal

behavior of public at toilets. 75% transgender experienced the hurdles when they were going for house buy/ rented. Counseling centers, parks and restaurants also the places of discrimination. More than 50% transgender faced discrimination from the public and employees.

**Table 5** Location living wise discrimination on Transgender Community

Locations	Colony (N=19)	Sector (N=1)	Total (N=20)
Family	19(100)	1(100)	20(100)
Retail store	10(52.6)	1(100)	11(55)
Police station	17(89.5)	0(0.0)	17(85)
Hospitals	11(57.9)	1(100)	12(60)
Educational Institute	15(78.9)	0(0.0)	15(75)
Job apply	19(100)	1(100)	20(100)
Workplace	15(78.9)	0(0.0)	15(75)
Bus /Train/other mode	11(57.9)	0(0.0)	11(55)
Public toilets	19(100)	0(0.0)	19(95)
Hotels/Bars	19(100)	1(100)	20(100)
Rented house/Buying houses	14(73.7)	1(100)	15(75)
Opening Bank account	19(100)	1(100)	20(100)
Counseling Centers	15(78.9)	0(0.0)	15(75)
Parks	11(57.9)	0(0.0)	11(55)
Restaurant	12(63.2)	0(0.0)	12(60)

19 transgenders are living in colonies and only one transgender living at sectors of Chandigarh city. The around 52.7% transgender faced unequal behavior at colonies by shopkeepers. 85% transgender faced bad behavior from the police stations. The around 60% transgender unequally treated at hospitals. So, getting the treatment is very difficult for transgender. 75% transgender was faced immoral behavior at education institute. 78.9% transgender those were living at colonies faced bad terrible experiences at job time. 55% transgender expressed the discrimination at public transport like buses, railway trains. 95% transgender faced unequal conduct of people at public toilets. Transgender faced 100% discrimination at banks and restaurants. 25% transgender experienced the no problem when they were going for house buy/ rented. HIV counseling centre also kept the bad approach toward transgender. Parks, restaurants are place of discrimination. Mostly people run away when they see transgender.



**Graph 4** Graph representations with Location of living in relation with transgender



#### 4. DISCUSSION

The 41.7% transgender with the age group of 18-30 years faced the injustice as compare 100% with the age group of above 40 at retail shops. 91.7% transgender (18-30) were had an experience of unequally behavior. Discrimination at public toilet was very higher with maximum percentage. Around 95% transgender were harassed in public conveniences varies from location to location. In counseling centers, parks, restaurants the experience of discrimination against the Transgender community was about 75%, 55%, 60% respectively. Transgender with less than primary education faced the maximum 100% level of discrimination in all public locations except 50% at retails or 70% at hospitals. Total 95% of disproportionate activities among transgender community had an experience at public toilets. A Midline Survey of Pehchān, (2012) also stated that 48% of the respondents had faced one of the forms of stigma and discrimination. Zero level of discrimination had found at maximum location among transgender with senior secondary education as measure up to 100% at family, police station, job apply, public toilets, hotel/bars and banks. Transgender with higher education were encountering 100 percentages of biased action at 7 locations and put side by side zero proportion at other 7 places. Transgender with higher education had better status with less unfairness as compared to other group with a range of educational background. Merely two transgenders from urban area were experienced the harassment or discrimination at police station as compared with 15 transgenders from rural community faced the same discrimination. Eleven transgenders from rural area faces the problem of harassment or discrimination at the same time zero discrimination was found among the same community from urban at two locations i.e., parks or bus/train/other transport mode. Maximum- minimum variation was found from range 40 to 100 percent in transsexual category at the other side it differs from zero to 100 percent.

According to the report published by United Nations Development Programme, (UNDP), India, (December 2010) that transgender community faced discrimination at health care institute, discrimination reported by Hijras/TG communities in the healthcare settings include: Deliberate use of male pronouns in addressing Hijras; registering them as 'males' and admitting them in male wards; humiliation faced in having to stand in the male queue; verbal harassment by the hospital staff and co patients; and lack of healthcare providers who are sensitive to and trained on providing treatment/care to transgender people and even denial of medical services. A Report of PUCL-Karnataka (February 2001) on "Human Rights Violations against Sexual Minorities in India" also discussed the same issue of social discrimination faced by the "trans community at various public places. As a Social Worker there are multiple ways in which we can engage in community-based partnerships; for example, providing direct practice (i.e., mental health counseling) and supports the rights of all individuals to receive health care without discrimination on the basis of gender identity. Social work also advocates the social support services for transgender people and their families that are respectful and sensitive to individual concerns. As per the above discussion our also indicated some level of discrimination at various public places with reference to "Trans" Community.

#### 5. CONCLUSION

The order could pave way to breaking down of barriers of social, legal and gender discrimination and the sexual minorities would gain a greater acceptance. Issues such as denial of admissions to schools, colleges and employment opportunities in the private sector would be addressed by creating awareness on the rights of sexual minorities on the strength of the SC order.

#### Suggestions and recommendation

There is a need to establish a Transgender/Hijra welfare board at District, State and Centre level this board will help in assessing the problem & concerning needs of the community and work effectively to protect the rights of the "trans" community. At educational level there is a need of an effective approach to protect the community against the social discrimination that there is a need to maintain the Eve teasing committee at school, colleges and university level. At health care centre there is a need to provide proper health care to this community and Free Sex reassignment surgery at government health care centre as the Tamilnadu state had already done this exercise at health care centre. Research also indicated that maximum discrimination was found at public toilets so there is a need to establish separate toilet for the community to protect them from the harassment or from the sexual abuse. Sensitization program should be engaged at educational, health care staff, police, or the other members of the society at state level that every person feel that this community is a part of our society and they have the equal rights as every human being have in this world.

#### Ethical approval

Not applicable.



**Informed consent**

Not applicable.

**Conflicts of interests**

The authors declare that there are no conflicts of interests.

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The study has not received any external funding.

**Data and materials availability**

All data associated with this study are present in the paper.

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